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Federal Communications Commission  
Consumer & Governmental Affairs Bureau  
Washington, D.C. 20554

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SEP 5 2003

Control No. 0302394-Pol

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SEP 11 2003

Federal Communications Commission  
Consumer & Governmental Affairs Bureau

The Honorable Brian Baird  
U. S. House of Representatives  
1220 Main Street, Suite 360  
Vancouver, WA 98660

Dear Congressman Baird:

Thank you for your fax dated August 5, 2003, on behalf of your constituent, Mike Morrisette, regarding the Federal Communications Commission's (Commission) rules implementing the Telephone Consumer Protection Act of 1991 (TCPA). Specifically, Mr. Morrisette expressed his concerns with the amended rules on unsolicited facsimile advertisements.

On July 3, 2003, the Commission released a Report and Order, which adopted rules establishing a national do-not-call registry and other amendments to its telemarketing and unsolicited facsimile advertising rules. As we explained in the Report and Order, the legislative history of the TCPA indicates that one of Congress' primary concerns was to protect the public from bearing the costs of unwanted advertising. Therefore, Congress determined that companies that wish to fax unsolicited advertisements to customers must obtain their express permission to do so before transmitting any faxes to them. The amended rules require all entities that wish to transmit advertisements to a facsimile machine to obtain permission from the recipient in writing.

The Commission's amended facsimile advertising rules were initially scheduled to go into effect on August 25, 2003. However, based on additional comments received since the adoption of the July Report and Order, the Commission, on its own motion, determined to delay the effective date of some of the amended facsimile rules, including the elimination of the established business relationship exemption, until January 1, 2005. The comments filed after the release of the Report and Order indicate that many organizations may need additional time to secure this written permission from individuals and businesses to which they fax advertisements. Enclosed is a copy of the Commission's Order on Reconsideration, released on August 18, 2003.

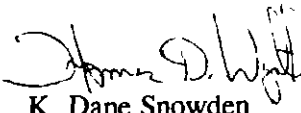
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The Honorable Brian Baird

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We appreciate your comments. We have placed a copy of your correspondence in the public record for this proceeding. Please do not hesitate to contact us if you have further questions

Sincerely,

  
For K. Dane Snowden

Chief

Consumer & Governmental Affairs Bureau

Enclosures



## FAX TRANSMISSION



C.G. Giff  
info-@...  
TC PH  
2394

## Congressman Brian Baird

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To: DianeDate: Aug 5Fax No. 202-418-1662Page 1 of 3

## From:

- ☐ Sam Busick
- ☐ Cindy Gipson
- ☐ Harry Glaus
- ☐ Dena Horton
- ☒ Hillary Hunt
- ☐ Marion Rasmussen
- ☐ Suzanne Sooter
- ☐ Theresa Weil

Subject: FCC rules

## Comments:

Diane - Can you verify the information in this email?I would appreciate any information you can provideThanks so much!Hillary

PS -> I can be reached in the Congressman's  
Vancouver, WA office. 360-695-6292

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**Terri Tweedell**

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**From:** "Mike Morrisette" <mike@auburnareawa.org>  
**To:** <home@www.washingtonchamberlink.com>  
**Sent:** Wednesday, July 30, 2003 2:28 PM  
**Subject:** Re: WCCE Alert - Rules about faxing your members

Dear Bob & Colleagues.

RE. FCC Fax Rules

Got a couple of questions and comments on the FCC's new "Do Not Call, Fax or E-Mail rule. I downloaded this document and read it with great bewilderment. Red alert folks - I think? This rule will go in effect on August 27th. Fines for non-compliance can be up to \$11,000 for each fax!

If this is for real - it would require Chambers to obtain a "signed" release from their members - as a requirement - before they could send their members any notices regarding services, events, or sponsorships that has a "price or fee" as part of the message. For instance, your e-mail sent to members to advertise the next luncheon that included the luncheon costs, would be prohibited, without your first obtaining each member's individual permission to send this type of information. To put it simply, businesses who join our chambers to obtain this type of information, could not receive it from us, unless we first get their permission to send it to them.

While this would not be hard to do for new - incoming members, what about existing members? My chances of getting even 20 percent of my members to return a signed permission slip is nil to non. Plus the cost of direct mail and repeated attempts to collect these releases would be huge.

So here are the obvious questions about this new rule:

When they say "fax advertisements" do they

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also mean e-mail notices?

Why aren't we all up in arms about this?

Whose the idiot that dreamt this one up?

Any help you can render to further define  
the meaning of this new rule will greatly  
help me. Thanks  
Mike Morrisette

At 03:42 PM 7/29/03 -0700, you wrote:

>Greetings WCCE Members - Thanks to our colleagues in Florida, the following  
>information about the new FCC Rules changes impacting faxing and other  
>communications with our members has come to WCCE's attention. On the home  
>page of ChamberLink(<http://www.washingtonchamberlink.com>) is additional  
>information about this issue and what you can do to help reverse this major  
>impact on your ability to communicate with your members. Thanks

>

>Bob

>

>\*\*\*\*\*

> From the Florida Association of Chamber Professionals

>

>Rules About Faxing Your Members

>

>FCC Changes Rules

>As we enjoyed the lazy days of summer, the Federal Communications Commission  
>has quietly eliminated the "established business relationship" exception to  
>the ban on unsolicited fax advertisements. This means that chambers and  
>others who market programs, products and services by fax will be required to  
>first obtain the signed written consent of each recipient-including members!  
>According to information received by FACP, the FCC will not allow an  
>organization to fax consent requests to their members. The new fax rules  
>will take effect 30 days after publication in the Federal Register, which is  
>expected shortly.

>

>\*\*\*\*\*

>

>BTW - Don't forget the 2003 WCCE Leadership Conference in Lake Chelan.."  
>Staying Sharp and Strategic"! You can get you room reservations by calling

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